



NOV 22 2004

PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/676,910		
Filing Date	30 September 2003		
First Named Inventor	Lester F. Ludwig		
Art Unit	2837		
Examiner Name	Marlon T. Fletcher		
Total Number of Pages in This Submission	05	Attorney Docket Number	2738-021

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD,	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <ul style="list-style-type: none"> <li>1. Credit Card Payment Form;</li> <li>2. Comment on Statement of Reasons for Allowance;</li> <li>3. Return Postcard;</li> </ul>
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Maxham Firm		
Signature			
Printed name	Jeffrey J. Lotspeich, Esq.		
Date	November 17, 2004	Reg. No.	45,737

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jeffrey J. Lotspeich, Esq.	Date	November 17, 2004

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"PATENT"

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
LESTER F. LUDWIG )  
SERIAL NO.: 10/676,910 ) Group No: 2837  
FILED: September 30, 2003 ) Examiner: Marlon T. Fletcher  
FOR: EXTENSIONS AND GENERALIZATIONS )  
OF THE PEDAL STEEL GUITAR )

**COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE**

**Mail Stop: Issue Fee**  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant has the following brief comments concerning the Examiner's Statement of Reasons for Allowance.

**Remarks**

First of all, there are both method and apparatus claims in this application. To the extent that the Examiner's Statement might be construed as implying that the claimed method could only be practiced using the apparatus components with the characteristics as set forth in the Statement, Applicant would respectfully disagree. Each claim stands on its own; attributes of apparatus claims should not be imputed to method claims, and vice versa.

Applicant next asserts that the Examiner's Statement presents the claimed invention in terms which are neither reproduced, *verbatim*, from the claims, nor consistent with the language cited in the claims. Applicant respectfully submits that the claims are patentable for, and should be construed in accordance with, their respective recitation. To the extent that the language employed in the Examiner's Statement is not a direct quotation from the claims, Applicant submits that the Statement should not be construed in any limiting sense with respect to the scope of the terms used in the claims themselves.

Applicant acknowledges the other references made of record and not relied upon. A number of these references are Applicant's own patent applications and issued patents. However, there is nothing of sufficient relevance to require detailed discussion.

Applicant also recognizes that the effect of the Examiner's Amendment to claims 1 and 44, which was presented in the Notice of Allowability dated August 27, 2004, no longer applies in view of the Supplemental Examiner's Amendment presented in the Supplemental Notice of Allowability dated November 12, 2004, which again amends claim 1 and 44 so that these claims recite the originally filed claim language.

Applicant further recognizes that the Examiner's initial refusal to enter Applicant's IDS has been withdrawn, and the various references cited in the IDS have indeed been considered by the Examiner, as indicated in the Corrected Notice of Allowance dated November 4, 2004.

Lastly, Applicant and the undersigned thank the Examiner for his time in discussing the issues surrounding the various Examiner's amendments and the acknowledgement of the references cited in the IDS.

Respectfully submitted,

LESTER F. LUDWIG



By: Jeffrey J. Lotspeich  
Attorney for Applicant  
Registration No. 45,737

**THE MAXHAM FIRM**  
750 'B' STREET, SUITE 3100  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: (619) 233-9004  
FACSIMILE: (619) 544-1246